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REMARKS

Status Summary

Claims 35-39 are pending in the present application. Claim 36 presently stands rejected. Based on the information gained in the Examiner's Interview described below, claims 35 and 37-39 have been withdrawn. Claims 35 and 36 are amended herein and new claims 43-45 have been added. Thus, upon entry of this Amendment, claims 35-39 and 43-47 will be pending. No new matter has been added.

Interview Summary

In a telephonic interview with the Examiner on February 15, 2008, the status of the claims regarding the election of species was discussed. It was agreed that claims 35 and 39 have been withdrawn as a non-elected species in the response to the second restriction requirement dated July 25, 2007. The Examiner noted that claims 37 and 38 depend from claim 35 and should be withdrawn as belonging to the non-elected species. Therefore, it is applicant's understanding that an agreement to withdraw claims 37 and 38 was reached.

Claim Rejections – 35 U.S.C. § 112

Claim 36 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the meaning of the phrase "keeping

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moving” within the claim is in question. The present amendments address this matter by removing “keeping” from claim 36. Accordingly, in view of the above remarks and amendments, applicant respectfully submits that this objection should be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 36 stands rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,231,920 to Harvey, et al. (hereinafter “Harvey”). Claims 36 also stands rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0028308 to De La Huerga (hereinafter “De La Huerga”). These rejections are respectfully traversed.

Independent claim 36 recites a method of coiling a medicament carrier in preparation for loading the coiled medicament carrier into a housing of a medicament dispenser. The carrier has the form of an elongate strip and having multiple distinct medicament doses carried thereby. Claim 36 recites that the method includes receiving the leading end of the elongate medicament carrier by a spindle. Claim 36 has been amended to recite forming a coil of the elongate medicament carrier with the medicament doses therein on the spindle by rotating the spindle whilst moving the elongate medicament carrier in a lateral sense.

Support for the amendments herein can be found throughout the original application as filed. For example, support for the amendments to claim 35 can be found on original page 3, lines 11-16, original page 12, lines 1-10, original page 51, lines 8-10, and in Figures 8a and 8b. Support for the amendments to claim 36 can be found on

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original page 3, lines 11-16, original page 12, lines 5-11, original page 51, lines 1-8 and 11-13, and in Figures 8a and 8c. Support for the addition of claim 43 can be found in original claim 2 and original page 4, lines 15-17. Support for the addition of claim 44 can be found on original page 4, lines 15-17 and original page 5, lines 1-7. Support for the addition of claim 45 can be found on original page 12, lines 15-21. Support of the addition of claims 46 and 47 can be found on original claims 37 and 38, respectively.

Applicant respectfully submits that Harvey fails to disclose each and every feature recited by claim 36 of the present application as amended. For example, Harvey fails to disclose that the coiling is in preparation for loading the coiled medicament carrier into a housing of a medicament dispenser and that the coil of the elongate medicament carrier is formed with the medicament doses therein on the spindle.

Harvey discloses a medicament dispenser for use with a medicament carrier having a plurality of pockets for containing medicament. The pockets are defined between two peelable sheets secured to each other. The pockets are spaced along the length of the two peelable sheets. The dispenser has an internal mechanism for accessing the medicament contained with the medicament carrier, and the internal mechanism is operated by an electronic drive system.

Harvey discloses a medicament carrier **100** that comprises a flexible strip **102** defining a plurality of pockets **104**, **106**, **108**, each of which contains a dose of medicament which can be inhaled, in the form of power. (See Harvey, column 17, lines 47-52.) The strip comprises a base sheet **110** in which blisters are formed to define the

pockets **104**, **106**, **108** and a lid sheet **112** which is hermetically sealed to the base sheet except in the region of the blisters in such a manner that the lid sheet **112** and the base sheet **110** can be peeled apart. The sheets **110**, **112** are sealed to one another over their whole width except for the leading end portions **114**, **116** where they are preferably not sealed to one another at all. The lid **112** and base sheets **110** are each preferably formed of a plastics/aluminum laminate and are preferably adhered to one another by heat sealing. (See Harvey, column 17, lines 53-63.)

The lid sheet and base sheet are separable about a beak **210**. The resulting empty base sheet is coiled about a base take-up spindle **212** in the base take-up chamber **214**. The used lid sheet is fed over the beak **210** and coiled about a lid take-up spindle **216** in the lid take-up chamber **218**. (See Harvey, column 18, lines 12-16.)

Harvey does not anticipate claim 36 as amended. Harvey does not disclose the coiling to be in preparation for loading the coiled medicament carrier into a housing of a medicament dispenser. Instead, Harvey only teaches winding up part of an elongate strip inside a medicament dispenser. Further, Harvey does not anticipate claim 36 as amended, because Harvey does not disclose that the coil of the elongate medicament carrier is formed with the medicament doses therein on the spindle. Thus, according to claim 36, the medicament carrier is coiled with the doses still contained therein, instead of coiling the medicament carrier after dispensation of doses of medicament. In Harvey, however, spindle **212** simply winds up the empty base sheet of the medicament carrier **102**, while spindle **216** winds up removed lid sheet after the drug contents in the

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pockets **104**, **106**, **108** have been discharged. Thus, Harvey does not anticipate claim 36 of the present application as amended.

Applicant respectfully submits that De La Huerga also fails to disclose each and every feature recited by claim 36 of the present application as amended. For example, De La Huerga fails to disclose forming a coil of the elongate medicament carrier on a spindle.

De La Huerga discloses an interactive medication container or console that holds or otherwise organizes one or more medication vials or containers. Each vial has a memory strip containing medication and prescription information. The container can be placed in or include a dispenser. One embodiment in De La Huerga shown in Figures 18-24 discloses the use of a spindle within a dispenser.

De La Huerga discloses with reference to Figures 18-24 a container **400** being a single dosage, disk shaped, blister pack and an interactive label **450** with a memory strip **460**. The blister pack **400** is placed in a dispenser **500** having a computer processor **530** that controls a display and variety of alarms. (See De La Huerga, page 23, paragraph 249.) In Figures 18 and 19, De La Huerga discloses a blister pack **400** formed by a tear resistant sheet **411** having front and rear surfaces **412** and **413** and a perimeter **414**. The tear resistant sheet **411** is formed into multiple pockets **415** located around its perimeter **414**. Each pocket **415** holds a single dose of medication **15**. The tear resistant sheet **411** has a substantially flat central area **416** with a central opening **417** and offset notch **418** formed through the sheet **411**. The blister pack also includes a backing sheet **420**. The backing sheet **420** extends over the pockets **415** so that each

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dose of medication **15** is sealed into its respective pocket. (See De La Huerga, page 23, paragraph 250.) Thus, a flat wheel, or disk, shaped container with sealed blister pockets therein around its periphery with an opening in the center is effectively created.

In Figures 20-23, De La Huerga discloses the semi-automated, clam shell medication dispenser **500** for housing and dispensing medication **15** from the blister pack container **400**. The dispenser **500** has a lid **510** with a dispensing lever **514** and a plunger **515** that combine to form a dispensing mechanism for dislodging a dose of medication **15** from its pocket **415** in the blister pack **400**. (See De La Huerga, page 24, paragraph 252.) The dispenser **500** is equipped with a drive spindle **570** and a motor **572** for automatically dispensing the medication **15**. (See De La Huerga, page 24, paragraph 255.) The spindle **570** matingly engages the central opening **417** and offset notch **418** of the blister pack **400** to facilitate rotation of the blister pack **400**. (See De La Huerga, page 24, paragraphs 254 and 255.)

De La Huerga does not disclose forming a coil of the elongate medicament carrier on a spindle as recited by claim 36 of the present application. Further, De La Huerga does not disclose a method of coiling such a medicament carrier. The Examiner asserted in the Office Action that Figure 20 shows rotating a spindle with a medicament carrier moving in a lateral sense. First, as described above, De La Huerga does not disclose forming a coil of a medicament carrier on a spindle. The blister pack **400** is just placed on the spindle, no forming a coil occurs. Second, De La Huerga does not disclose a medicament carrier that is elongated used in conjunction with a spindle. The disk-shape and spindle of De La Huerga are structurally different and operate in a

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completely different manner than an elongated medicament carrier being coiled by a spindle as recited in claim 36 of the current application. Therefore, De La Huerga does not anticipate claim 36 of the present application as amended.

For the reasons outlined above, applicant respectfully submits that Harvey and De La Huerga fail to disclose each and every feature recited by claim 36. As such, applicant respectfully submits that the respective rejections of claim 36 under 35 U.S.C. §102(e) and 35 U.S.C. §102(b) should be withdrawn and the claim allowed at this time.

New Claims

New claims 43-47 depend from claim 36. Therefore, claims 43-47 include each and every feature recited by claim 36. Accordingly, for the reasons set forth above for claim 36, applicant respectfully submits that new claims 43-47 also should be allowed at this time.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

FEE DUE


A fee in the amount of \$460.00 is due (representing the amount due for the 2-month extension of time). The Commissioner is hereby authorized to charge this fee and any overpayments and deficiencies associated with the filing of this correspondence to Deposit Account No. 50-0426 to avoid the unintentional abandonment of the instant application.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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By: _____


Jeffrey L. Wilson
Registration No. 36,058
Customer No: 25297

919-493-8000